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INTERNATIONAL LAW—SOVEREIGN'S IMMUNITY FROM SUIT—WAIVER.—The Kingdom of Roumania brought suit against the defendant trust company to recover a deposit made by it therein. The defendant moved to interplead a third party who sued it for the same deposit. *Held*, that the Kingdom of Roumania, having voluntarily brought suit, waived its immunity as a sovereign power and was subject to an interpleader. *Kingdom of Roumania v. Guaranty Trust Co. of N. Y.* (D. C. S. D. N. Y. 1917) 244 Fed. 195. Reversed but not yet reported. (C. C. A.) See 58 N. Y. L. J. 1187.

It is well established that an independent state may neither be sued in the courts of another state, *DeHaber v. Queen of Portugal* (1851) 17 Q. B. 196, nor its property seized or made the subject of judicial process. *Vavasour v. Krupp* (1878) 9 Ch. D. 351; *Schooner Exchange v. M'Faddon* (1812) 11 U. S. 116; *Parlement Belge* (1880) 42 L. T. R. (N. S.) 273. Nor may a sovereign be sued in another state, though a citizen of that state, for acts done in his sovereign capacity in his own country. *Duke of Brunswick v. King of Hanover* (1848) 2 H. L. C. *1. And even where a sovereign residing in another state has entered into a contract under an assumed name as a private individual, he will nevertheless be allowed to set up his sovereignty as a defense to a suit brought against him on that contract. *Mighell v. Sultan of Johore* [1894] 1 Q. B. D. 149. However, a sovereign state may avail itself of the courts of a foreign jurisdiction to redress a wrong done it in respect to its property. *Emperor of Austria v. Day & Kossuth* (1861) 3 DeG., F. & J. *217, *238. But where a state has submitted to the court's jurisdiction it may not subsequently raise an objection to the jurisdiction, *Richardson v. Fajardo Sugar Co.* (1916) 241 U. S. 44, 36 Sup. Ct. 476, and it must conform to the rules of practice of the court. *King of Spain v. Hullet & Widder* (1833) 1 Cl. & F. 333. So a sovereign is subject to a cross bill, *Rothschild v. Queen of Portugal* (1839) 3 Y. & C. 94, and must, if required, give security for costs. Moreover, the defendant in an action begun by a sovereign may assert a lien, *United States v. Wilder* (1838) 28 Fed. Cas. No. 16694, or contract rights, *United States of America v. Prioleau* (1865) 2 Hem. & M. 559, which he has acquired with regard to the property claimed. While it is suggested that a counterclaim might be allowed, see *Strousberg v. Republic of Costa Rica* (1880) 44 L. T. R. (N. S.) 199, it is settled that no affirmative judgment may be rendered against the sovereign. *United States v. Eckford* (1867) 173 U. S. 484; *South African Republic v. Compagnie Franco-Belge etc.* [1898] 1 Ch. 190. In all the cases where the defendant has been allowed to assert rights, there would seem to have been a waiver by the sovereignty of its immunity from suit. And as illustrated by the cases involving counterclaims, the courts will protect rights which have not been waived. In the principal case it seems clear that in bringing its action the Kingdom of Roumania did not in any way waive its immunity from suit by the party sought to be impleaded and the interpleader should not be allowed.

LARCENY—EVIDENCE OF POSSESSION—UNIDENTIFIED GOODS.—In a prosecution for larceny, evidence that the defendants when arrested had in their possession various articles of jewelry not identified as the property of the prosecuting witness was *held* admissible as tending to show property in the hands of the accused subsequent to the alleged larceny. *Commonwealth v. Coyne et al.* (Mass. 1917) 117 N. E. 337.